Forum: Economic and Social Council (ECOSOC)

Issue: Combating violence and discrimination targeted towards lesbians, gays, bisexuals and transsexuals

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**Introduction:**

The “Gay Community,” as it was known as until the late 1980s, refers to the group

of people who classify themselves as Lesbian, Gay, Bisexual, or Transsexuals

(LGBT). In over seventy countries, homosexuality is labeled against the law, forcing people to be scared of imprisonment, arrest, or even execution. In others, though it may not be against the law, security forces do little if anything to prevent hate crimes against the LGBT community or prosecute the offenders. Even in nations like the Netherlands, a country known for being open to the LGBT community, people have found it necessary to relocate due to threats to their well-being based on their sexuality. Although advances have been made to lower or in some cases end hate crimes such as rape, killing, or restriction of other freedoms have been made in nations around the world, there is still a lot of discrimination against the LGBT community.

The LGBT community has been discriminated against for centuries in a variety of different ways. It wasn’t until the late 20th century that people started to socially accept Lesbian, Gay, Bi-Sexual, and Trans-Sexual people and gave them the rights that they were entitled to. However, no matter where in the world you go, there are still large areas that have no laws or have skewed perceptions about LGBTs.

As stated in Article One of the Declaration of Human Rights, a document signed and ratified by majority of the member states, “all human beings are born free and equal in dignity and rights”. All of the human beings on earth are to live with equal rights, regardless of their sexual orientation. However, member nations, although having signed this declaration, still have little to no means of protecting the LGBT community. Some say sexual orientation and gender identity is a sensitive subject. Others criminalize this lifestyle.

As the United Nations Secretary General Ban Ki-moon stated in March 2012 to the Human Rights Council “I understand… Like many of my generation, I did not grow up talking about these issues. But I learned to speak out because lives are at stake -- and because it is our duty, under the United Nations Charter … and the Universal Declaration of Human Rights … to protect the rights of everyone, everywhere.”

**Definition of Key Terms:**

Lesbian, gay, bisexual, transsexual community (LGBT’s)

The LGBT community consists of those of sexual orientations other than heterosexual. The World Health Organization (WHO) in 1990, removed attraction to a person with the same sex from the International Classification of Diseases.

Lesbians for women, and Gay for men, are the terms used to classify people who have a sexual attraction toward those of the same gender. To be bisexual is to be attracted to both genders. To be transsexual is someone who was born as one gender but feels as if he or she should be the other.

Discrimination

The unjust or prejudicial treatment of different categories of people or things, esp. on the grounds of race, age, or sex.

Violence

Violence is described as any behavior including physical force or intimidation, which causes another person bodily or mental harm or impedes them from access to their basic rights as human beings

Trans-phobic

Trans phobic is described as the intense and irrational fear of transsexuals

Homophobic

Homophobic is described as an intense and irrational fear of homosexuality and homosexuals

Sodomy

Sexual intercourse involving anal or oral copulation

Closeted

Describes a person who is not open about his or her sexual orientation

Hate Crimes

Crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.

Peer-dynamics Assailants

Tend to be adolescents; they commit assaults in an effort to prove their toughness and heterosexuality to friends.

Self-defense Assailants

Typically, people who commit hate crimes because they believe that homosexuals are sexual predators. They often say they were responding to aggressive sexual propositions.

Transvestite

Transvestites are men (or women) who adopt the identity of women (or men) through dress and behavior. Transvestites experience sexual pleasure from assuming the identity of the opposite sex.

**Background:**

Throughout history, man has known some form of homosexuality. This dates as far back as 9660 B.C., with Mesolithic cave art in Sicily Italy of two men looking to have what is known as homosexual intercourse. By the 12th century, people had started to see homosexuality as a bad thing, or a sin, and the formation of laws against it began. Christian kingdoms declared homosexual sex to be illegal and those who were guilty must be burned in front of the public. Pope Gregory IX in 1232, started to question homosexuality. In the Bible, it states in various places that sexual intercourse between two of the same gender is a sin and should be punished. Leviticus 18:22 describes’ homosexual intercourse as an abomination, and First Corinthians 6:9 states that those whom are gay shall not inherit the kingdom of God.

Cities in Italy put in place laws calling for amputation, banishment, and burning if a man was found guilty of sodomy. In 1260 France had formed laws to take off the testicles of a man on their first offense, second offenders lost their member and third offenders were burned. Woman abided by the same laws, and could be mutilated and executed. By 1532, the Holy Roman Empire had made a law punishing sodomy by death. Many countries started to follow, such as Brandenburg-Prussia (part of modern day Germany), the Spanish Kingdom, and various North American Colonies.

In the 1600’s a man in the Virginia Colony was hanged for homosexuality. The first known conviction of lesbian homosexuality was located in Plymouth, Massachusetts, in modern day United States. However the girl being convicted was under the age of 16 and was not prosecuted. The Connecticut Colony in 1655 passed a law against sodomy in men and women.

In the Beginning of the 19th century, homosexuality started to be accepted by various member nations. The Netherlands and Indonesia decriminalized homosexual sodomy. However in the modern United States, the term crime against nature was founded and first used in criminal code. Many nations around the world started to decriminalize homosexuality, such as Brazil, Portugal, and The Ottoman Empire. Russia made homosexuality illegal, and punishable for up to 5 years in Siberia. The “Offences against the Person Act of 1861” had taken the death sentence for sodomy away in England, and instead made it punishable for a sentence of 10 years.

By the 20th century, some countries had allowed same sex marriages, while other were still strictly against it. In1903 New York Police raided a homosexual based bathhouse. Twenty-six men were arrested and twelve brought to trial on sodomy charges; seven men received sentences ranging from 4 to 20 years in prison. 1970 was the year that the first gay liberation parade was held in New York, and the First LGBT Pride parade was held in Los Angeles.

Discrimination of LGBTs is currently a worldwide problem. Seeing as this is a relatively new issue, different areas of the world have different laws, rights and penalties for this issue. Seventy-six Nations in the United Nations have made homosexuality illegal.

Applicable international standards and obligations

Recalling the Universal Declaration of Human Rights, Articles One and Two; stating that all human beings are born free and equal in dignity and rights; and shall not be discriminated despite their race, sexuality, language, religion, or political status. It further states that no distinction shall be made on the basis of their countries political jurisdictional or international status. In not taking action against such violence, member states are blatantly ignoring the first clauses of a major document of the United Nations.

The obligation to protect life liberty and security

According to multiple UNITED NATIONS documents, it is the member nations' obligation to protect the life of and provide security for those who are members of that nation despite sexuality, or gender identity. The ICCPR (International Covenant on Civil and Political Rights) goes as far as stating that law will protect the right to life and no one shall be arbitrarily deprived of it. Yet some member states, such as Saudi Arabia, Puerto Rico, Barbados, and other nations continue to have laws against homosexuality and even more fail to protect LGBTs' right to life. Furthermore, some member states endanger this right by imposing the death penalty on being lesbian, gay, bisexual or transsexual.

***Discriminatory Laws and Practices that lead to Violence***

Seventy-six countries still have laws that criminalize people due to their gender identity or sexual orientation. Such laws are usually just ideology of the past. They usually prohibit certain types of sexual activity or any intimacy between persons of the same sex. Wording used includes “crimes against the order of nature” or “morality” or “debauchery.” Regardless, they are all used to strip people of their rights as human beings on the basis of being of an uncommon sexuality or gender orientation. This attitude towards LGBTs proves to only promote discriminatory violence. In some cases the law even calls for the death penalty under the pretense of homosexual behavior. It is also well worth noting that according to a shadow report by *Global Rights* homosexuals in jail in the UNITED STATES are abused far more than non-homosexuals, oftentimes even by guards.

**Previous Attempts to solve the issue:**

Though discrimination has been around for centuries, the United Nations has recently made ending LGBT, racial, and other forms of discrimination a key point. There have been multiple resolutions and documents formed and signed by member nations in the United Nations. With the Declaration of Human Rights being the most well known, there a variety of other documents written.

Universal Declaration of Human Rights (10 December 1948)

The United Nations formed this document in 1948 after World War II and represents the equality entitled between all human beings. The declaration states that all humans have the rights to be treated as equals, and no one should be discriminated on based off of sexual orientation, race, religion or appearance.

Vienna Declaration and Programme of Action (12 July 1993)

With the ratification of this document, the UNITED NATIONS affirmed the universal nature of international human rights as per the UDHR and other internal law documents and that in the future effective international measures must be taken to ensure such rights are preserved for all.

Resolution 17/19 – Human Rights, sexual orientation, and gender identity (14 July 2011)

As a follow up of the Vienna Declaration and Programme of Action in 1993, this resolution explained how LGBT’s we not excluded from the list of human rights. It further stated that something must be done to end the discrimination toward them. It asks for a study to be done by December 2011 showing acts of violence toward Lesbians, Gay, Transsexual, and Bisexual Peoples.

**Major Parties and Organizations involved with the discrimination with LGBT’s:**

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)

An international organization bringing together more than 750 LGBT groups from around the world. It continues to be active in campaigning for LGBT rights on the international human rights and civil rights scene and regularly petitions the United Nation and governments.

International Lesbian, Gay, Bisexual, Transgendered, and Queer Youth and Student Organization (IGYLO)

Created in 1984 as a reaction to the need for better cooperation among regional, local and national LGBTQ youth and student organizations. A peer led organization that is network based; IGLYO is a meeting point for youth in the Europe. IGLYO is registered in Brussels, Belgium.

United Nations High Commissioner for Human Rights (OHCHR)

The UNCHR is completely for the stopping of discriminatory laws and practices and acts of violence against LGBTs. In addition to being part of the Vienna Declaration, in November 2011 after being commissioned by the Human Rights Council, submitted a report detailing forms of violence and State responsibilities. As a human rights organization, the topic of discrimination clearly pertains to this group.

Republic of Poland

Under Polish law, living in a same sex marriage is not illegal. However, people in one may face more challenges than a non-LGBT couple. Couples in same sex marriages are not eligible to the same legal protection available for same sex marriages. However in history, same sex marriage has never been illegal. In 1969 homosexual prostitution was legalized. Gay people were not banned from military service and homosexuality was deleted from the list of diseases in 1991.

***Republic of Turkey***

It is mandatory in Turkey, for men to serve in the military. The only way to not serve your time of duty, is if you are ill, disabled, or homosexual. A man in Turkey had to reveal pictures of him kissing another man, having sexual intercourse, and being seen with a male partner. The man is scared, even though he had these pictures before, someone else in the world did as well and could easily share them with family and friends and even strangers from his hometown. This is a large mean of discrimination of not only personal privacy, but abuse to the homosexual population of Turkey.

***Uganda***

The Republic of Uganda could possibly lose its financial support from the United Kingdom because of its mentality toward LGBT rights. The UK is claiming that if Uganda does not change its perspective on LGBT rights, its financial aid could be suspended. Malawi has also been suspended from its financial aid because of its attitude toward gay rights.

United States of America

The United States has had a confusing history. In the modern United States, the laws vary on a state-to-state level. Although being homosexual in America is legal, the laws on having a family, discrimination, and marriage vary depending on the region. The President of the United States, President Barack Obama, stated on April 12, 2012 that executive order barring federal contractors from discriminating against LGBT employees isn't going to happen in the immediate future.

Kingdom of Saudi Arabia

Saudi Arabia does not recognize LGBT rights. Within the kingdom, the topic is normally forbidden, and can be punished with imprisonment, corporal punishment, and capital punishment. The Kingdom has official forces used for patrolling and punishing men whom they suspect of being gay. Saudi Arabia has no laws against the discrimination of LGBT’s or ‘hate’ crimes committed on the basis of sexual orientation or gender identity. Advocacy for LGBT rights are forbidden within the Kingdom. However the underground Green party of Saudi Arabia has publicly supported gay rights for its human rights platform.

**Possible Solutions to the issue:**

* Noting the clear prejudice of a great deal of the population and the popular opinion towards LGBTs, public education campaigns are also an issue of key importance. Without a public aware of the hate crimes that occur and the extension of human rights to all regardless of any affiliation, such crimes may continue to be considered either acceptable by the greater population or not worth reporting. In order to fight such violence from its core, the people must be on board.
* Ask that member states begin to investigate such crimes properly and hold perpetrators responsible in order to restore trust between the public and the authorities with regards to such crimes. Without proper prosecution of such crimes, they will continue to be considered socially acceptable.
* Establish systems to report and record such incidents as at the moment many states lack the proper mechanisms to monitor such discrimination and therefore are unaware of its severity in their respective nations.
* Following the example of some member states, other states could create training programs for law- enforcement officials to give them a greater understanding to what hate-crimes against LGBT persons look like and help them recognize and respond to such crimes. A major problem with the nature of such crimes is that they often go undocumented for mistrust by the LGBT population in the authorities who often hold a bias themselves. If even those who are supposed to serve and protect the population are biased towards LGBTs then whom can they turn to.
* Repeal laws used to criminalize individuals on the basis of homosexuality as it goes against multiple international human rights documents and governing laws and is the very nature of hypocrisy. In as a government supporting the act, which the UNITED NATIONS is trying to eradicate, it makes all efforts of the UNITED NATIONS seem frivolous and silly seeing as member states are not on board.
* Take extra measures such as establishing transparent systems to prevent torture and other forms of cruelty seeing as it goes against human rights laws and to investigate all reported incidents and hold those responsible accountable.
* If not already done so, enact comprehensive anti-discrimination legislation that includes discrimination on ground of sexual orientation and gender orientation among prohibited grounds. Without clear-cut laws detailing responses to discrimination against LGBTs and other pertinent information, acts of violence may continue without any consequences.
* Facilitate legal recognition of the preferred gender of transgender persons and allow for relevant identity documents to be reissued so that they feel socially accepted as people.

**Bibliography:**

“Universal Declaration of Human Rights” *United Nations Website*, 1948,

April 15th, 2012.

“LGBT rights in the United States” *Global Rights Website,* 2006,

April 15th, 2012

International Lesbian, Gay, Bisexual, Transgender and Queer Youth and Student

Organization. *IGLYO Website,* 2012, April 15th, 2012

“LGBT Timeline” *Wikipedia Website,* 2012, April 15th, 2012

“LGBT Rights in Poland” *Wikipedia Website,* 2012, April 15th, 2012

“LGBT News” United Nations Office of High Commissioner for Human Rights 2012, April 15th, 2012

“Obama's LGBT Discrimination Flip-Flop Takes US Back to 1994” *Huffington Post* 2012, April 15th, 2012

“Vienna Declaration and Programme of Action” UNITED NATIONS Website 1993, April 15th, 2012

“Discrimination and LGBT rights in Saudi Arabia” Wikipedia Website 2012, April 15th 2012

“Saudi Gay Scene: ‘forbidden, but I cant help it’” *ABC News website* 2009, April 15th 2012

“Terms to know about gay rights” “*Do Something” Website* 2012, April 15th, 2012